

Appl. No. : 10/042,775  
Filed : January 8, 2002  
Response to : Office Action dated March 18, 2005

### REMARKS

The Applicants have cancelled Claims 17-19, 21, and 32-36, and added Claims 37-43. Thus, Claims 1-2, 5, 10-13, 15-16, and 37-43 are presented for examination.

The specific changes to the amended claims are shown above in the Amendments to the Claims, wherein the insertions are underlined and the ~~deletions are stricken through~~. The Applicants respond below to rejections made by the Examiner in the Office Action of March 18, 2005.

#### I. Interview Summary:

A telephonic interview was conducted on Monday, May 9, 2005. The participants in the interview were Examiner Maria Marvich on behalf of the Patent Office, and attorney Erik Anderson on behalf of the Applicants. During the interview, the participants discussed new claims proposed by the Applicants.

#### II. Claim Objections

The Examiner has objected to Claims 1 and 16 for informalities, alleging that the claims contain abbreviations that should be spelled out. The Applicants respectfully disagree. In Claim 1, "L3" is the name of a known lymphoblast cell line. In Claim 16, "PHAS-1" is the name of a known protein. In each case, Applicants are not aware of a more complete name that would more specifically define the claimed cells or proteins. Accordingly, the Applicants respectfully request that the objections be withdrawn.

#### III. Allowable Claims

The Applicants thank the Examiner for allowing Claims 1, 2, 5, 10-13, 15, and 16.

#### IV. Rejections under 35 U.S.C. § 112

Claims 17-19, 21, and 32-36 have been cancelled, thus rendering moot all rejections under 35 U.S.C. § 112; the Applicants respectfully request that those rejections be withdrawn.

#### V. New Claims

The Applicants have added new Claims 37-43 which are directed to a method of recombinantly producing ATM using HeLa cells as host cells. The Applicants respectfully submit that the use of HeLa cells as hosts has already been searched based on the recitation of HeLa cells in previously pending dependent claims, such that entry of the new claims is appropriate. Further, the Applicants respectfully submit that the transfection of HeLa cells with a

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vaccinia viral vector to produce ATM protein is not taught or suggested by the cited references, and is fully supported by the specification.

As in their response to the Examiner's objection to Claim 1, the Applicants respectfully submit that "HeLa" is the most recognizable name of a known cell line, and thus is not an abbreviation that should be more completely recited in the claims. For all of these reasons, Applicants respectfully request allowance of the pending claims.

### CONCLUSION

The Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, she is invited to call the undersigned directly.

Respectfully submitted,  
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